REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 14-16 and 22-26 amended claims 1-13 and 17-21 are in this application. Claims 27-44 are newly added.

At paragraph 1 of the outstanding Office Action of August 15, 2003, the Examiner rejected claims 2, 5-7, 9-13, 15, 16-21 and 23-26 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner stated that the claimed phrases "said first region", "said second region" and "said third region" lack antecedent basis. It is respectfully submitted that applicants have amended all these claims so that they contain proper antecedent basis.

Applicants therefore respectfully request that the 112, second paragraph rejection to claims 2, 5-7, 9-13, 15, 16-21 and 23-26 be withdrawn.

At paragraph 3 of the outstanding Office Action of August 15, 2003, the Examiner rejected claims 9 and 17 under 35 U.S.C. §102(b) as being anticipated by Wagensonner et al. (U.S. Patent No. 4,812,903). Applicants respectfully traverse the rejection.

Amended independent claim 9, recites in part, "A video processing device **for selecting one of a plurality of output data correction characteristics, each of said plurality of output data correction characteristics being non-linear as a whole, but comprising a linear portion coextensive with each of said plurality of regions and having different slopes in at least two of said regions**..." (Underlining and Bold added for emphasis.)

It is respectfully submitted that the reference relied upon by the Examiner does not teach the above-recited feature of amended independent claim 9.

Wagensonner divides the luminance data signal into a higher frequency portion and a lower frequency portion, modifies each portion in accordance with a non-linear function and then combines these portions to produce an enhanced luminance signal (column 16, lines 15-28). However, Wagensonner never provides the option of selecting among a plurality of output data correction characteristics, as does amended independent claim 9. Amended independent claim 1 allows, for instance, for a user to control the correction characteristic because the user may want to either correct a black portion that is rendered whitish or to saturate a white blur that is induced in a nearly white level portion or do both. Indeed, Wagensonner does not allow such control over correcting luminance data or color difference data. Therefore amended independent claim 9 is believed to be distinguishable from Wagensonner.

For reasons similar to those described above with regard to amended independent claim 9, amended independent claim 17 is also believed to be distinguishable from Wagensonner.

Applicants therefore respectfully request that the rejection of claims 9 and 17 under 35 U.S.C. §102(b) be withdrawn.

At paragraph 5 of the outstanding Office Action of August 15, 2003, the Examiner rejected claims 1-3, 5, 6 and 10 under 35 U.S.C. §103(a) as being unpatentable over Wagensonner et al. (U.S. Patent No. 4,812,903). Applicants respectfully traverse the rejection.

Amended independent claim 1 has been amended in a similar fashion to amended independent claim 9 and therefore is distinguishable for at least the reasons described above. Therefore amended independent claim 1 is believed to be distinguishable from Wagensonner.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claim 2, 3, 5, 6 and 10 are also believed to be distinguishable from Wagensonner.

Applicants therefore respectfully request that the rejection of claims 1-3, 5, 6 and 10 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 6 of the outstanding Office Action of August 15, 2003, the Examiner rejected claims 4, 7, 8, 11-16 and 18-26 under 35 U.S.C. §103(a) as being unpatentable over Wagensonner et al. (U.S. Patent No. 4,812,903) in view of Lee (U.S. Patent No. 5,546,134). Applicants respectfully traverse the rejection.

Amended independent claims 4, 11-13 and 18-21 has been amended in a similar fashion to amended independent claim 9 and therefore are distinguishable for at least the reasons described above. Claims 7, 8, 14-16 and 22-26 are dependent from one of amended independent claims 4, 11-13 and 18-21 and, due to such dependency, are also believed to be distinguishable from Wagensonner for at least the reasons previously described. The Examiner did not rely on Lee to overcome the above-identified deficiencies of Wagensonner. Therefore, claims 4, 7, 8, 11-

16 and 18-26 are believed to be distinguishable from the applied combination of Wagensonner and Lee.

Furthermore, at page 18 of the present Office Action the Examiner took Official Notice that controllers are well known in the art and it would have been obvious to the skilled in the art at the time of the invention to modify the system of Wagensonner by providing a microprocessor or a micro-controller. In other words, the Examiner does not cite a reference that discloses a controller. Instead, the Examiner appears to assert that such feature of claim 4 would have been obvious. In this regard, reference is made to In rè Pardo and Landau, (214 USPQ 673) in which the Court states at page 677:

"Assertions of technical facts in areas of esoteric technology must always be supported by citation to some reference work recognized as standard in the pertinent art and the applicant given, in the Patent Office, the opportunity to challenge the correctness of the assertion or the notoriety or repute of the cited reference".

In view of In re Pardo and Landau, it is believed to be improper for the Examiner to fail to cite a reference, which specifically describes the above-mentioned feature of claim 4.

Applicants therefore respectfully request that the rejection of claims 4, 7, 8, 11-16 and 18-26 under 35 U.S.C. §103(a) be withdrawn.

Further, Applicants have added new claims 27-44 which are dependent from one of amended independent claims 1, 2, 3, 9, 10, 12, 17, 18 and 20, and as such are believed to be distinguishable from the applied references.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicant's undersigned attorney and, in

the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is a basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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